IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

aplicant:

DeLaine, Phillip M.

Examiner:

Huynh, Khoa D.

ial No.:

10/696,188

Group Art Unit:

3751

October 29, 2003

Docket:

60058.0002USC1

Confirmation

No.:

2142

Title:

OSCILLATING AQUA BROOM

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450,

Alexandria, VA 22313-1450 on January 21, 2005.

Mail Stop AMENDMENT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

Transmittal Sheet in duplicate containing Certificate of Mailing

Response To Notice of Non-compliant Amendment Under 37 CFR 1.121 The fee has been calculated as shown below in the "Claims as Amended" table

Copy of Notice of Non-Compliant Amendment (37 CFR 1.121)

Return postcard

CLAIMS AS AMENDED

Claims Remaining After		Highest Number		Present Extra		Rate		Fee
Amendment		Previously Paid For						
Total Claims								
31	-	44	=	0	х	25.00	=	\$0.00
Independent Claims								
5	-	6	T=	0	х	100.00	=	\$0.00
MULTIPLE DEPENDENT CLAIM FEE						\$0.00		
TOTAL FILING FEE						.00		

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C. P.O. Box 2903, Minneapolis, MN 55402-0903 404.954.5100

Name: Alton Horse

Reg. No.: 47,299

AH

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

DeLaine, Phillip M.

Atty. Docket:

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Alton Hornsby III

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 CFR 1.121

Dear Sir or Madam:

In response to the Notice of Non-Compliant Amendment mailed on January 11, 2005, the Applicant submits herewith a corrected "Amendments to the Claims" section of the amendment document filed on December 27, 2004. The corrected section (below) includes a complete listing of all of the claims in the present patent application.

Amendments to the Claims begin on page 2 of this paper.

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 2 4 2005

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1 450
ALEXANDRIA, VA 22313-1450
www.usplo.gov

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2-27-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

	1. Ame	endments to the specification:
		A. Amended paragraph(s) do not include markings.
		B. New paragraph(s) should not be underlined.
		C. Other
	2. Abs	
		A. Not presented on a separate sheet. 37 CFR 1.72.
		B. Other
	3. Amo	endments to the drawings:
	4. Ame	endments to the claims:
_		A. A complete listing of all of the claims is not present.
		B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
-		C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each
		claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using
		one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously
		presented), (New) and (Not entered).
		D. The claims of this amendment paper have not been presented in ascending numerical order.
		E. Other:

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)